

1 STATE OF ILLINOIS)
2) SS:
COUNTY OF C O O K)

3 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
4 COUNTY DEPARTMENT - CRIMINAL DIVISION

5 THE PEOPLE OF THE STATE)
6 OF ILLINOIS,)
7 Plaintiff,)) No. 18 CR 00408-01
vs.)
8 JEREMIAH SCOTT,)
9 Defendant.)

10 REPORT OF PROCEEDINGS had at the hearing
11 in the above-entitled cause before the HONORABLE
12 DENNIS J. PORTER, Judge of said court, on the 6th
13 day of SEPTEMBER, 2018.

14 PRESENT:

15 MRS. KIMBERLY M. FOXX,
16 State's Attorney of Cook County, by:
17 MS. PATRICIA MELIN,
Assistant State's Attorney,
18 appeared on behalf of the People;

19 MR. PETER LEWIS,
20 appeared on behalf of the Defendant.

21
22 DORLISA BRYANT
23 OFFICIAL COURT REPORTER
CIRCUIT COURT OF COOK COUNTY
CRIMINAL DIVISION
24 CSR #084-003048

1 THE CLERK: People versus Jeremiah Scott.

2 MR. LEWIS: Good morning, Your Honor.

3 MS. MELIN: Judge, we made an offer on this
4 case for the first offender gun probation with the
5 required --

6 THE COURT: Does he want that?

7 MR. LEWIS: That is correct, Your Honor. That
8 is our understanding.

9 THE COURT: That's on Count 1?

10 MS. MELIN: Yes.

11 THE COURT: Is it two years?

12 MS. MELIN: Yes.

13 THE COURT: Is that your understanding of the
14 plea agreement, Mr. Scott?

15 MR. SCOTT: Yes.

16 THE COURT: Is that acceptable to you?

17 MR. SCOTT: Yes.

18 THE COURT: Mr. Scott, Count 1 you're charged
19 with aggravated unlawful use of a weapon on
20 December the 12th of 2017 in that you knowingly
21 carried on or about your person a pistol, revolver
22 or handgun at a time when you weren't on your own
23 land, your own abode, legal dwelling or affixed of
24 business or on the land or legal dwelling of

1 another person invited there with that person's
2 permission and the pistol, revolver or handgun
3 possessed was uncased, loaded and immediately
4 accessible at the time of the offense and you
5 didn't have a currently valid license under the
6 Firearm Conceal-Carry Act and you hadn't been
7 issued a currently valid firearm firearm owner's
8 identification card. Do you understand what you're
9 charged with?

10 MR. SCOTT: Yes.

11 THE COURT: How do you wish to plead to this
12 charge?

13 MR. SCOTT: Guilty.

14 THE COURT: By pleading guilty to this charge,
15 it being a Class 4 felony, on this charge if you
16 are convicted you must be sentenced to the
17 penitentiary for a period of not less than 1 year,
18 no more than 3 years. If you are sentenced to the
19 penitentiary when you get out would have the term
20 of mandatory supervised release of 1 year to do,
21 that is what they used to call parole. In other
22 words, you're on parole for a year when you get
23 out.

24 You could also be fined up to \$25,000.

1 Those are ordinarily the possible penalties on this
2 charge. How old are you?

3 MR. SCOTT: 20.

4 THE COURT: So there's a first time weapon
5 offender program you can be placed on. Under that
6 you can be placed on probation for up to two years.
7 At the end of that time if you have not violated
8 your probation and you comply with the other
9 requirements of it, including 50 hours of community
10 service, one of the things, at that time the
11 charges would be dismissed, you would not have the
12 conviction on your record; do you understand?

13 MR. SCOTT: Yes.

14 THE COURT: Do you still wish to plead guilty?

15 MR. SCOTT: Yes.

16 THE COURT: Now, if you violate the terms of
17 this probation, this fist offender weapon offender
18 program, you just bought yourself a bus ticket to
19 the penitentiary simple as that; do you understand?

20 MR. SCOTT: Yes.

21 THE COURT: Do you still want to plead guilty?

22 MR. SCOTT: Yes.

23 THE COURT: By pleading guilty you're giving up
24 your right to a jury trial. A jury trial is where

1 12 people who are either registered voters or they
2 have driver's licenses or they have State of
3 Illinois identification cards, these people are
4 picked out of a group by your lawyer and the
5 State's Attorney's. These people come into the
6 courtroom, listen to the trial and they decide if
7 the State proved you guilty beyond a reasonable
8 doubt. In other words, the jury would say guilty
9 or not guilty. Do you understand what a jury trial
10 is?

11 MR. SCOTT: Yes.

12 THE COURT: Do you have any questions you want
13 to ask me about what a jury trial is?

14 MR. SCOTT: No.

15 THE COURT: Do you understand by signing this
16 piece of paper you're giving up your right to a
17 jury trial?

18 MR. SCOTT: Yes.

19 THE COURT: Jury waiver will be accepted. Also
20 by pleading guilty you're also giving up your right
21 to a bench trial, and that is a trial by the Court,
22 by me. You're not going to have a trial of any
23 kind by pleading guilty; do you understand that?

24 MR. SCOTT: Yes.

1 THE COURT: Since you're not having a trial
2 you're giving up the rights you would have at a
3 trial. Now, at any trial you would have the right
4 to be present in the courtroom at the time of the
5 trial, you would have the right to look the
6 witnesses in the eye while they were testifying,
7 you would have the right to have your lawyer ask
8 them questions about what they said, but since
9 there's not going to be a trial there's not going
10 to be any witnesses so you can't do that.

11 At a trial you would have the right to
12 call witnesses in your own defense. If these
13 people didn't want to come in here I can make them
14 come in here. I can't make them say what you want
15 them to say once they are here but I can get them
16 in here.

17 At a trial you would have the right to
18 testify in your own defense. That means under oath
19 you can get up there on the witness stand and tell
20 me your side if you wanted to. At a trial you
21 would also have the right to just sit over at that
22 table, say nothing, do nothing and make the State
23 prove its case against you beyond a reasonable
24 doubt.

1 Do you understand you're giving up each of
2 those rights by pleading guilty?

3 MR. SCOTT: Yes.

4 THE COURT: Do you have any questions you want
5 to ask me about your rights?

6 MR. SCOTT: No.

7 THE COURT: How old are you?

8 MR. SCOTT: 20.

9 THE COURT: How far did you go in school?

10 MR. SCOTT: High school.

11 THE COURT: Anybody force you to plead guilty?

12 MR. SCOTT: No.

13 THE COURT: Anyone threaten you to make you do
14 it?

15 MR. SCOTT: No.

16 THE COURT: Anyone promise you anything to get
17 you to plead guilty other than this agreement you
18 have with the State?

19 MR. SCOTT: No.

20 THE COURT: Have you talked to your lawyer
21 about your case?

22 MR. SCOTT: Yes.

23 THE COURT: Are you satisfied with his
24 representation?

1 MR. SCOTT: Yes.

2 THE COURT: Do you understand you have the
3 right to continue to plead not guilty and to demand
4 a trial, you can't force the State to give you a
5 trial on this charge; do you understand that?

6 MR. SCOTT: Yes.

7 THE COURT: Do you understand I'm not a party
8 to your agreement, I don't have to follow it, I
9 could still sentence you to anything within that
10 range of sentences that I told you at the beginning
11 of the plea even though you had this agreement with
12 the State? Do you understand that?

13 MR. SCOTT: Yes.

14 THE COURT: Facts, State.

15 MS. MELIN: If this case were to proceed to
16 trial, the evidence would show that on December 12,
17 2017 during the afternoon hours Chicago police were
18 on patrol in the 5900 block of West Madison; the
19 defendant would be identified in open court as one
20 of the individuals standing in that vicinity; one
21 of the officers noted that the defendant was
22 holding his waistband in a suspicious manner.

23 The officer parked the vehicle and got
24 out. At that time the defendant while holding his

1 waistband started to run through an alley. He was
2 chased through the alley and the officer observed
3 the defendant remove from his waistband a firearm
4 which he dropped to the ground. That was recovered
5 and found to be a loaded handgun.

6 It is further stipulated that as of
7 December 12, 2017 the defendant did not have a
8 valid firearm owner's identification card nor a
9 conceal-carry license. So stipulated?

10 MR. LEWIS: So stipulated that would be the
11 testimony presented, Your Honor.

12 THE COURT: Mr. Scott, after everything I've
13 said do you still want to plead guilty to the
14 charge of aggravated unlawful use of a weapon?

15 MR. SCOTT: Yes.

16 THE COURT: I find defendant understands the
17 nature of the charges against him, the possible
18 penalties under the law and his rights under the
19 law. I further find he wishes to waive those
20 rights and enter a plea of guilty to the charges
21 indicated. I also find there's a factual basis for
22 the plea. There will be a plea of guilty, jury
23 waived and sentencing will be deferred.

24 Do you understand you have the right to

1 have a pre-sentence investigation done by the
2 Probation Department? This is a written report
3 which tells me about you, it tells me your school
4 record, work record, social background, tells me
5 about any criminal record that you have. Since you
6 have this agreement you can skip that, you don't
7 have to wait for it.

8 Do you understand by signing this piece of
9 paper you're giving up your right to that report?

10 MR. SCOTT: Yes.

11 THE COURT: Pre-sentence will be waived. Is
12 there anything you want to say in aggravation,
13 State?

14 MS. MELIN: Nothing, Your Honor. .

15 THE COURT: Mitigation?

16 MR. LEWIS: Your Honor, Mr. Scott has no
17 publishable background and he is currently
18 employed. He will be able to take advantage of
19 this opportunity.

20 THE COURT: Mr. Scott, do you have anything you
21 want to tell me before I sentence you?

22 MR. SCOTT: No.

23 THE COURT: I'll go along with the agreement.
24 Defendant will be sentenced to 2 years probation

1 under the first time weapon offender program, do 50
2 hours community service. It will be motion State
3 nolle Counts 2, 3, 4, 5, 6, 7 and 8.

4 MR. LEWIS: Defendant demands trial.

5 THE COURT: Defendant demands trial on those
6 counts. Costs assessed against the defendant. Did
7 you make bond the same date you got arrested?

8 MR. SCOTT: Yes.

9 THE COURT: Defendant is credited with five
10 dollars toward fines and quash and re-call all
11 warrants previously issued on this case as to this
12 defendant only.

13 Mr. Scott, you have the right to appeal
14 the judgment and sentence of the Court even though
15 you plead guilty. To do that, though, you first
16 have to file with the Clerk of the Court a piece of
17 paper called a motion to withdraw your plea of
18 guilty. This will be asking me to let you take
19 back your plea and if I let you do that it makes it
20 like your plea never happened.

21 Now, any motion to withdraw your plea of
22 guilty would have to be made in writing and it
23 would have to be signed by you, it would have to
24 state each and every reason that you would like to

1 rely on in your appeal and it would have to be
2 filed within 30 days from today's date, otherwise
3 your right to appeal is gone forever; do you
4 understand that?

5 MR. SCOTT: Yes.

6 THE COURT: If you couldn't afford an attorney
7 for that I would appoint one for you and I'd give
8 you a free transcript of this proceeding; do you
9 understand that?

10 MR. SCOTT: Yes.

11 THE COURT: If I were to grant your motion to
12 withdraw your plea of guilty then any charges that
13 were dismissed or reduced as a part of your plea
14 agreement, there are seven of them, they'd be
15 reinstated at the request of the State, you'd then
16 go to trial on all the charges; do you understand
17 that?

18 MR. SCOTT: Yes.

19 THE COURT: You also have the right to make a
20 motion to reconsider your sentence within 30 days
21 of today's date, once again this has to be filed
22 with the Clerk within that period of time, and if
23 you couldn't afford an attorney for that I would
24 appoint one for you as well. However because this

1 is an agreed plea in your case if you do try to
2 change the sentence in any way you would also have
3 to file a motion to withdraw your plea of guilty,
4 you couldn't do the one without the other; do you
5 understand?

6 MR. SCOTT: Yes.

7 THE COURT: While you're probation it's a
8 condition of your probation, one, that you report
9 to your probation officer and two, that you do not
10 commit another crime, three, that you do these 50
11 hours of community service among other things.
12 Failure to do these things could result in a
13 violation of your probation. If I find you
14 violated your probation I could then re-sentence
15 you or I would actually have to re-sentence you to
16 anything I could have sentenced you to today
17 including up to 3 years in the penitentiary; do you
18 understand?

19 MR. SCOTT: Yes.

20 THE COURT: If you have an emergency that's
21 going to interfere with your reporting, like you're
22 sick or something in the hospital, as soon as you
23 can you'll let the probation officer know what the
24 problem is; you work it out, you don't just blow it

1 off, do you understand?

2 MR. SCOTT: Yes.

3 MR. LEWIS: For the record Peter Lewis,

4 L-E-W-I-S, on behalf of Mr. Scott.

5 (Which were all the proceedings had
6 in the above-entitled cause.)

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1 STATE OF ILLINOIS)
2 COUNTY OF C O O K) SS
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4 I, Dorlisa Bryant, an Official Court
5 Reporter for the Circuit Court of Cook County,
6 County Department-Criminal Division, do hereby
7 certify that I reported in shorthand the evidence
8 had at the above-entitled cause and that the
9 foregoing is a true and accurate transcript of the
10 evidence heard before the Honorable DENNIS J.
11 PORTER, Judge of said court.

12

13

Dorlisa Bryant

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DORLISA BRYANT
Official Court Reporter
#084-003048

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18 Dated this 1th day
19 of JUNE, 2020.

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